

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

AVENUE C APARTMENTS, LLC, a  
Montana limited liability company,

Plaintiff/Counter-  
Defendant,

vs.

THE CINCINNATI INSURANCE  
COMPANY, a corporation; and JOHN  
DOES 1-10,

Defendants.

CV 19-37-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Defendant Cincinnati Insurance Company's Motion for Partial Summary Judgment (Doc. 34) and Plaintiff Avenue C Apartments' Cross-Motion for Partial Summary Judgment (Doc. 40). (Doc. 63). The Magistrate recommended that both motions be denied. (Doc. 63 at 1).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

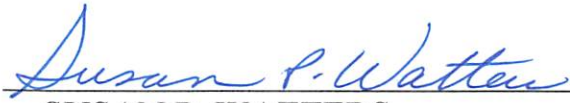
*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 63) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Cincinnati’s Motion for Partial Summary Judgment (Doc. 34) is DENIED. Avenue C Apartments’ Cross-Motion for Summary Judgment (Doc. 40) is likewise DENIED.

DATED this 15<sup>th</sup> day of March, 2021.

  
SUSAN P. WATTERS  
United States District Judge